

COUER D'ALENE, TUESDAY, SEPTEMBER 16, 2008, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

**IN THE INTEREST OF JANE DOE I, A)
CHILD UNDER 18 YEARS OF AGE.)
STATE OF IDAHO,)**

Plaintiff-Respondent,)

v.)

JANE DOE II,)

Real Party of Interest-Appellant.)

Docket No. 33997

**IN THE INTEREST OF JANE DOE I, A)
CHILD UNDER 18 YEARS OF AGE.)
STATE OF IDAHO,)**

Plaintiff-Respondent,)

v.)

JOHN DOE I,)

Real Party of Interest-Appellant.)

Docket No. 34008

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John P. Luster, District Judge; Hon. Robert B. Burton, Magistrate.

Palmer George & Madsen, PLLC, Coeur d'Alene, for appellant Jane Doe II.

Brown, Justh & Romero, PLLC, Coeur d'Alene, for appellant John Doe I.

Hon. Lawrence G. Wasden, Attorney General; Daniel W. Bower, Deputy Attorney General, Boise, for respondent.

Jane Doe I, a minor, was charged with two counts of petit theft. She admitted to the charges and was eventually placed on formal probation. As part of the terms of the probation, the magistrate court ordered Doe's parents, John Doe and Jane Doe II, to submit to random

urinalysis and to not violate any controlled substance laws. The parents appealed this order to the district court, which affirmed.

The parents now appeal to the Court of Appeals. They assert that the magistrate court did not have jurisdiction to enter its order because there is no nexus between their daughter's crimes and the conditions imposed upon them as her parents, that interpreting Idaho law to permit such an order contradicts another relevant Idaho statute, and that the order violates their rights under the Fourth Amendment.

COEUR D'ALENE , TUESDAY, SEPTEMBER 16, 2008, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34512

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
STEVEN E. DEBOER,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge. Hon. Eugene A. Marano, Magistrate.

John M. Adams, Kootenai County Public Defender; Daniel G. Cooper, Deputy Public Defender, Coeur d'Alene, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Daniel W. Bower, Deputy Attorney General, Boise, for respondent.

On April 22, 2006, at 12:38 a.m., Steven E. DeBoer was driving westbound on Interstate 90, crossed the fog line on the right-hand side of the roadway, and abruptly jerked the car back into his lane of traffic. A police officer, who witnessed the erratic driving, stopped DeBoer for inattentive driving and failing to remain on the roadway. While speaking with DeBoer after the stop, the officer noticed signs of intoxication and administered field sobriety and breathalyzer tests. After determining that DeBoer was intoxicated, he was arrested for driving under the influence (DUI).

DeBoer filed a motion to suppress the evidence of his intoxication as a byproduct of an unlawful stop. At the hearing on the motion, the officer testified that, while the actions appeared inadvertent, there were no apparent roadway obstructions or other explanations for the driving behavior. The magistrate denied DeBoer's motion, finding that the facts showed a reasonable and articulable suspicion for the stop. DeBoer pled guilty to DUI, reserving the right to appeal his motion to suppress. On intermediate appeal, the district court affirmed the magistrate's denial of DeBoer's motion holding that I.C. §§ 49-630(1) and 49-119(19) unambiguously make it unlawful to drive on the shoulder of a roadway, except in certain exigent circumstances. DeBoer again appeals.

COEUR D'ALENE, TUESDAY, SEPTEMBER 16, 2008, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34476

JAY NELSON,,)
)
Plaintiff-Respondent,)
)
v.)
)
CONSTRUCTION BACKHOE SERVICES,)
INC., an Idaho corporation,)
)
Defendant-Appellant,)
)
and)
)
TWIN LAKES VILLAGE PROPERTY)
ASSOCIATION, INC., an Idaho corporation,)
and DOES 1 - 10, INCLUSIVE.)
_____)

Appeal from the District Court of the First Judicial District, State of Idaho,
Kootenai County. Hon. Lansing L. Haynes, District Judge.

Law Service, P.A. Coeur d'Alene, for appellant.

Dean & Kolts; Charles Rees Dean Jr., Coeur d'Alene, for respondent.

Construction Backhoe Services, Inc. ("CBSI") entered a written contract with ACE Paving & Excavation, LLC ("ACE") to excavate and install two drain fields at a golf course for a price of \$28,700. In accordance with the contract, CBSI tendered to ACE a \$14,000 down payment. However, ACE substantially completed only the first drain field. CBSI terminated its contract with ACE.

Subsequently, CBSI contracted with Jay Nelson to complete the second drain field. Nelson accepted the offer and completed nearly the entire project, save the final grading of the lot which became impossible due to wet weather conditions. CBSI then conveyed to Nelson that its understanding of their agreement was that he would be paid the balance due on the original contract with ACE *less* whatever outstanding debts were claimed by ACE's suppliers and subcontractors on the first phase of the project. After deducting those outstanding bills (and its legal fees incurred to that point) CBSI informed Nelson that the balance owing him was approximately \$2,000. Nelson disputed this amount and CBSI disagreed and paid him nothing. Nelson filed suit.

After a bench trial, the district court concluded the agreement between CBSI and Nelson had been that Nelson would be paid the entire balance of the contract and that no mention had been made at the time of the contract formation that all vendors and suppliers would be paid in full before the remaining balance was paid to Nelson. The court calculated the amount due Nelson to be \$7,383.07. CBSI now appeals.

COEUR D'ALENE, TUESDAY SEPTEMBER 16, 2008, AT 3:00 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 32657

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
EDDY MAX GRANTHAM,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. James R. Michaud, District Judge.

Bugbee Law Office, PS; Christopher A. Bugbee, Spokane, WA, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Eddy Max Grantham was convicted of trafficking of a controlled substance, methamphetamine, I.C. § 37-2732B, following an arrest arising out of a traffic stop. Grantham argues that the officer who conducted the traffic stop the night of his arrest lacked reasonable suspicion to extend his investigation to a potential drug crime. Therefore, on appeal from his judgment of conviction, Grantham asserts that the district court erred by denying his motion to suppress. Grantham further asserts that the district court erred in its evidentiary rulings, giving of instructions to the jury and in denying his request for a mistrial.